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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----x

5 Thomas LaMarco and Diane LaMarco,

6 Plaintiffs,

Civil Index No:
21 Civ. 3716

7 -against-

8 Suffolk County, New York, Commissioner

9 Rodney Harrison, Individually and in

10 his Professional capacity, Captain

11 William Scrima, Individually, Sgt.

12 William Walsh, Individually, Police

13 Officer "John" Plihcik, Individually,

14 and "John Does 1-5", Individually,

15 Defendants.

16 -----x

17 100 Federal Plaza
18 Central Islip, New York

19 November 21, 2023
20 9:57 a.m.

21 Deposition of Defendant

22 POLICE OFFICER CIARA PLIHCIK,

23 pursuant to Notice, before Diana

24 Mitchell, a Notary Public of the

25 State of New York.

Rich Moffett Court Reporting, Inc.

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Q Are you regularly assigned to the window?

A No, not regularly, but sometimes.

Q Is that like if somebody is out sick you fill in?

A Correct.

Q So if you don't generally handle the renewals as an applicant investigator, who would handle the renewals in the office?

A Initially it would go to one of the secretarial staff members.

Q And then where would it go?

A Well, it depends.

Q If you know, so walk me through the different scenarios.

A I'm not overly familiar with it because I'm not involved with it, but it's my understanding that if there is no issues, then the renewal will be approved, if an issue comes up, then it would go to a supervisor.

Q Can the secretaries approve

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the renewals if there is no issue or do they still need to go to a supervisor?

A I don't know.

Q In this case with the LaMarcos, you are aware that the issues of the nonreporting of Matthew's mental health treatment arose from the LaMarcos' renewal of their pistol licenses; is that correct?

A Yes.

Q What is your understanding or what is your knowledge of how that came to the --

A I wasn't aware.

Q You have to wait. I am sorry, I know I paused and I apologize. -- to the Licensing Bureau's attention?

A I was aware of it when I was assigned the files.

Q Do you recall approximately when you were assigned the files?

A Approximately April of '21.

Q What information did you have

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at the point in time where you were
assigned their files?

A I was notified that they had
failed to notify Pistol Licensing Bureau
of a mental health issue within their
household as they were required to do so.

Q Had their licenses been
suspended at that point in time already?

A When I received the file?

Q Yes.

A Yes.

Q Did you receive a hardcopy
file or just --

A Hardcopy.

Q Since being assigned to the
Pistol Licensing Bureau in or around
2017, what, if any, training did you
receive with regard to pistol licensing?

A When I first got there, I was
trained by another police officer or by
my team.

Q When you say "team," who do
you mean?

A So we have three teams, back

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2 then, I don't know if I had teams back
3 then, but by the other police officers
4 and civilians in the office.

5 Q I'm sorry, were you done with
6 your answer?

7 A Yes.

8 Q Now you have three teams?

9 A Yes.

10 Q Have you had three teams
11 since 2020?

12 A I believe so.

13 Q Since you were assigned the
14 suspension?

15 A I believe so.

16 Q And what are those three
17 teams?

18 A We have team 1, 2 and 3.
19 There are people assigned to each team.

20 Q Do they have the same duties
21 and responsibilities?

22 A Yes.

23 Q What is the difference
24 between and among the teams?

25 A There are really no

1
2 differences. They're made up of
3 civilians and police officers.

4 Q So just getting back to the
5 training, what, if any, training do you
6 recall receiving when you first began in
7 the Pistol Licensing Bureau?

8 A I don't recall specifics.

9 Q Was it just on-the-job
10 training or any formal training?

11 A I think it was just
12 on-the-job training.

13 Q Was it just specific to the
14 procedures in Pistol Licensing?

15 A I don't recall.

16 Q Since 2017 have you received
17 any other training with regard to pistol
18 licensing?

19 A I don't -- I don't know.

20 Q Within the last five years
21 have you received any training with
22 regard to pistol licensing?

23 A I don't recall.

24 Q Is there a legal department
25 within the Suffolk County Police

Department?

A Yes.

Q Have you received, or generally to your knowledge, has the Licensing Bureau received any training from the legal department within the last five years?

A Not that I'm aware of.

Q Have you received any training with regard to constitutional issues or 2nd Amendment-related rights in your assignment to the Pistol Licensing Bureau during official training?

A No.

Q How about unofficial?

A I mean, we discuss sometimes.

Q Is it just discussions between and among the Licensing Bureau staff or is it supervisory discussions with the staff?

A I would say both.

Q What was the sum and substance of those conversations?

A I can't recall specific

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2 conversations, it's just as things evolve
3 we discuss them.

4 Q You can't think of any
5 incidents at all?

6 A No.

7 Q What about Thomas LaMarco and
8 his eligibility to possess firearms
9 generally was negatively affected by his
10 son's ineligibility to possess firearms?

11 A Are you asking me why it was
12 suspended?

13 Q No, I am asking you how
14 Thomas LaMarco is ineligible to possess
15 handguns because his son happens to be
16 ineligible to possess handguns?

17 MS. ZWILLING: Objection.

18 You may answer.

19 A Because it's a common
20 practice at the Pistol Licensing Bureau
21 that the entire household is held to the
22 same standard as the licensee, the same
23 eligibility.

24 Q Who came up with that idea?

25 A I don't know.

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Q Has it always been that way since you worked there?

A Since I worked there, yes.

Q Have there been any discussions with the Licensing Bureau that you were involved in or personally heard regarding an individual's right to possess firearms versus another person that lives in the household?

A No, it's just been our common practice that everybody, if one person in the household is not eligible, the entire household is held to that.

Q So under what circumstances would the LaMarcos be able to have their suspension lifted?

A If they receive a note from their son's treating physician stating that there's no issues with him residing in a home with firearms or if his son moved out of his home.

Q What would the circumstances be if their son isn't able to obtain a note from a physician?

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Q Did you ever learn from the LaMarcos how they store their firearms?

A I believe it's in the file. I don't recall if it's in their statement or it's in your letter, but yes, there is reference to how they store their firearms.

Q Did you take that as true or it wasn't relevant?

A It wasn't relevant.

Q How come?

A Because their safe storage of the firearms is not under debate, it's not under question.

Q Oh, okay, so you're taking that as true then that they do safely store their firearms in the manner they describe?

A I am not taking it any way. I haven't witnessed it myself.

Q If the LaMarcos store their firearms in such a manner that they are not accessible to their son Matthew or any other third party, then why can't

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2 their suspension be lifted?

3 A Again, as the common practice
4 in my office, that if one person is in
5 the household is ineligible, then the
6 entire household is ineligible.

7 Q Is Matthew ineligible to
8 possess firearms?

9 A Yes.

10 Q And how so?

11 A Because we would require a
12 doctor's note stating that he is capable
13 of possessing firearms before he would
14 get approved.

15 Q Based on what? In other
16 words, what information do you have in
17 your files that indicate that Matthew is
18 firearms prohibited?

19 A He was transported to psyche
20 ward for a mental health evaluation.

21 Q And a transport itself is
22 enough to disqualify someone from
23 firearms possession?

24 A Yes.

25 Q You said a few times that

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2 system?

3 A That occurred.

4 Q Okay, and if there was
5 nothing reported in the system as a
6 result of their background check, you're
7 going to ask them if there were any other
8 incidents that occurred?

9 A Yes, I would ask them for an
10 updated statement.

11 Q And then you would check that
12 to see whether they reported those
13 incidents to the Pistol Licensing Bureau
14 in accordance with the handbook?

15 A Yes, I would do a thorough
16 background check.

17 Q And if there were additional
18 incidents that didn't show up in your
19 background check that they didn't report
20 to the Pistol Licensing Bureau, that
21 would further cause a suspension of
22 their --

23 A It's possible.

24 Q Because they didn't comply
25 with the handbook?

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A Correct.

Q Which is not a law under New York State law?

A I don't know.

Are you asking me to quote the law?

Q Well, you know, you're a police officer working in the Pistol Licensing Bureau, do you think that --

MS. ZWILLING: She's not an attorney.

Q -- do you think that it is your responsibility as a police officer enforcing the pistol licensing rules and regulations to know what the state of the law is?

MS. ZWILLING: Objection.

You may answer.

A I follow the common practice of our office.

Q Without question?

A Yes.

Q Assuming there were no other incidents listed in the LaMarco